

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
OF THE CITY OF JASPER, INDIANA AND PUBLIC HEARING
July 3, 2013**

Chairman Jerry Uebelhor called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Secretary Josh Gunselman took roll call as follows:

Jerry Uebelhor, Chairman	-Present	Randy Mehringer	-Present
Brad Schnarr, Vice Chairman	-Present	Bob Cook	-Present
Josh Gunselman, Secretary	-Present	Darla Blazey, Director of Community Development / Planning	-Absent
		Renee Kabrick, City Attorney	-Present

PLEDGE OF ALLEGIANCE

President Uebelhor led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Minutes of the June 5, 2013 Regular Meeting were reviewed. Randy Mehringer made a motion to approve the minutes as mailed. Vice Chairman Brad Schnarr seconded it. Motion carried 5-0.

STATEMENT

President Uebelhor read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto, and the City of Jasper Comprehensive Plan. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

NEW BUSINESS

Petition of Terry R. Brown, M.D. (as owner) and Memorial Hospital and Health Care Center (as petitioner) for a special exception to allow a medical clinic in an I-B (Industrial and Business) District

Kyle Bennett, Chief Operating Officer for Memorial Hospital and Ed Roelle, Director of Facility Services, were present to request a special exception to operate a medical clinic in an I-B (Industrial and Business) District. The building is located at 1025 First Avenue. Dr. Terry Brown, who operated his business at the proposed location since it was built in 1994, is selling the building to Memorial Hospital and Health Care Center. According to Mr. Bennett, Dr. Brown will remain a tenant in the building, which would include a total of four suites.

There were no remonstrators present. Following some discussion, Secretary Gunselman made a motion to close the public hearing. Bob Cook seconded it. Motion carried 5-0.

Vice Chairman Schnarr made a motion to grant a special exception to allow a medical clinic in an I-B (Industrial and Business) District. Secretary Gunselman seconded it. Motion carried 5-0.

Petition of Kenneth Gercken for a variance to build an accessory building within 35 feet of the front yard (36th Street)

Kenneth Gercken and Connie Thewes were present to request a variance to build a 30ft. by 80ft. accessory building within 35 feet of the front yard (36th Street) at 327 E. 36th Street. Mr. Gercken was denied the same variance request at the Board's April 2013 meeting; however, Mr. Gercken explained to the Board that he reduced the size of the building by one-third of its original measurement and decided to construct a conventional building instead of a pole barn, portraying more of a residential-style look to the neighborhood. Mr. Gercken is proposing to locate the building closer to Mill Street, which would allow him to utilize the existing asphalt parking lot. Also, changing the direction would accommodate the neighbors by not obstructing anyone's view. Trees on the property would camouflage the building most of the time; when the tree foliage is in full bloom.

Discussion followed. With no remonstrators present, Randy Mehringer made a motion to close the public hearing. Bob Cook seconded it. Motion carried 5-0.

Randy Mehringer made a motion to grant a variance to build an accessory building within 35 feet of the front yard (36th Street) at 327 E. 36th Street. Vice Chairman Schnarr seconded it. Motion carried 5-0.

Petition of Sandra K. Schwenk for a variance to build within eight feet of the side yard

Scott Meadors, of Meadors Construction, was present on behalf of Sandra Schwenk to request a variance to construct a garage within eight feet of the side property line at 3347 Lakeside Drive. Ms. Schwenk was granted a variance at last month's meeting for her original request to build within four feet of the side yard; however, the approval was contingent upon a vacation of an easement on the property. Mr. Meadors told the Board that Ms. Schwenk decided to reduce the size of the building by four feet instead of requesting to vacate the easement.

There were no remonstrators present. Following some discussion, Bob Cook made a motion to close the public hearing. Secretary Gunselman seconded it. Motion carried 5-0.

Bob Cook made a motion to grant a variance to build within eight feet of the side yard at 3347 Lakeside Drive. Secretary Gunselman seconded it. Motion carried 5-0.

Petition of Andrew and Audrey Seger for a variance from Section 16.02.140 (Height Regulations)

Phil Buehler, of Brosmer Land Surveying, was present on behalf of Andrew and Audrey Seger requesting a height variance of 41 feet for a residence they plan to construct on their property located west of St. Charles Street. Vice Chairman Schnarr recused himself due to a conflict of interest. Mr. Buehler displayed some elevation views of the house. There will be a walk-out basement in the back, which measures 44 feet; the average of all four sides totaling 41 feet.

There were no remonstrators present. Following some discussion, Bob Cook made a motion to close the public hearing. Secretary Gunselman seconded it. Motion carried 4-0.

Bob Cook made a motion to grant a variance from Section 16.02.140 (Height Regulations) for height of the residence not to exceed an average of 41 feet. Secretary Gunselman seconded it. Motion carried 4-0.

Petition of Progressive Development Company, LLC for a special exception (16.02.110)(Permitted Uses and Special Exceptions) to allow an addition to an existing medical clinic in a FF (Floodway Fringe) zone, with said existing medical clinic being located in a B-3 (Business) zone. Progressive Development Company, LLC asks that this petition cover all future additions to the subject complex which meet City of Jasper ordinances and specifications

Phil Buehler, of Brosmer Land Surveying, was present on behalf of Progressive Development Company, LLC to request a special exception to construct a 6,000 square-foot addition onto the southwest corner of the existing building located at 695 Second Street. Memorial Hospital and Health Care Center recently contracted with the owners of the building to operate a medical clinic at the proposed location. Mr. Buehler is also requesting, on behalf of the petitioner, that this petition cover all future additions to the medical clinic. A site plan was displayed showing the extension on the two platted lots and the adjacent property to the south.

Discussion followed. Randy Mehringer showed concerns of the building extending onto the unplatted property and inquired whether or not the ordinance allows it. Attorney Kabrick said she searched the language in the ordinance and determined that it was okay since the structure is an add-on to an existing building across a lot line.

There was also discussion in regards to the “blanket” request to cover all additions. With some Board members showing concern, Attorney Kabrick explained that the request is strictly for any additions to the medical clinic only. If there are any other expansions on the property, the owners would need to petition for another special exception.

With no remonstrators present, Vice Chairman Schnarr made a motion to close the public hearing. Secretary Gunselman seconded it. Motion carried 5-0.

Vice Chairman Schnarr made a motion to grant a special exception to allow an addition to an existing medical clinic and to include all future additions only on the existing two platted lots and the adjacent property. Bob Cook seconded it. Motion carried 5-0.

ADJOURNMENT

With no further discussion, Bob Cook made a motion to adjourn the meeting, seconded by Secretary Gunselman Motion carried 5-0, and the meeting was adjourned at 7:25 p.m.

Jerry Uebelhor, Chairman

Josh Gunselman, Secretary

Kathy M. Pfister, Recording Secretary